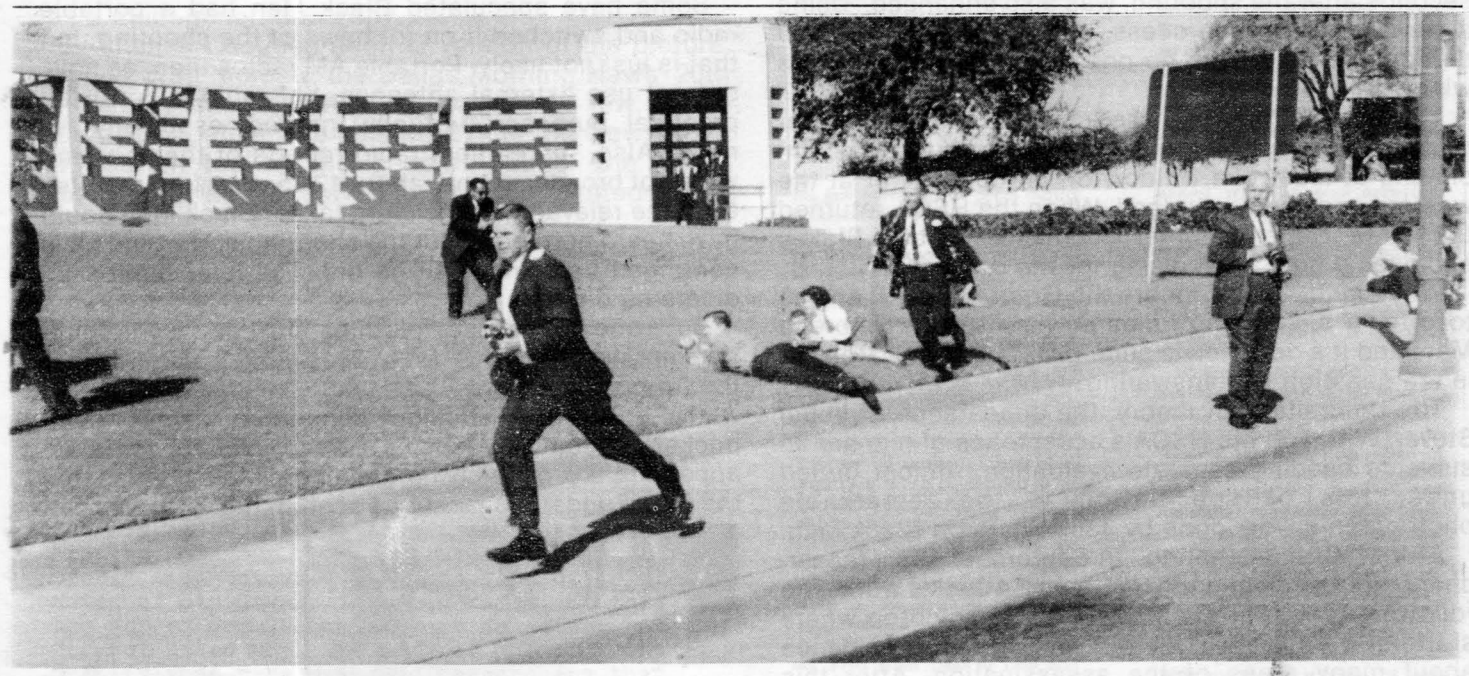
COVERUPS!

Number 16 | *Gary Mack, Editor & Publisher* | May, 1984



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IMPORTANT PHOTO "MISSED" BY HSCA

by Gary Mack

A long-ignored picture, taken by Dallas Morning News photographer Clint Grant from Press Car 2, offers the clearest view yet of the two most suspicious witnesses to the Kennedy assassination.

Incredibly, the original black and white negative was in the possession of HSCA investigators who failed to note it's significance.

We now know that one man was black, wore a dark-colored cap or beret, had extremely short hair or was bald, and wore glasses. And underneath his jacket was a mysterious object. The other witness is not inconsistent with Louie Steven Witt, the man accepted by the HSCA as the Umbrella Man.

The Witt controversy, whether he really was the Umbrella Man, is as strong today as when he first surfaced in July 1978. And that, too, was the result of a similar photograph that was "overlooked."

One Sunday afternoon early in 1978, HSCA photo consultant Robert Groden noticed some pictures in a Committee office. They were to be returned to Time/Life the next day, even though he had not seen them! Included were Dealey Plaza scenes taken by Art Rickerby, the second of which showed the Umbrella Man's face. Robert quickly notified Committee staffers, pointing out this was the only known picture with a clear view of the man's features (Black Man was blocked from sight by AP photographer James Altgens).

That summer the HSCA decided to go public with photographs of several people it wanted identified. The Rickerby picture was enhanced to clarify facial detail and by July his photo was seen all over the country in newspapers and on television. Witt surfaced, under peculiar circumstances, several days later.

Meanwhile, the Grant photo lay in HSCA files along with other Dallas Morning News pictures and negatives. One of them, Tom Dillard's shot of the TSBD seconds after the shooting, was also enhanced. Using a new radioactive process, the HSCA photo panel determined there was no one visible in the "sniper's window."

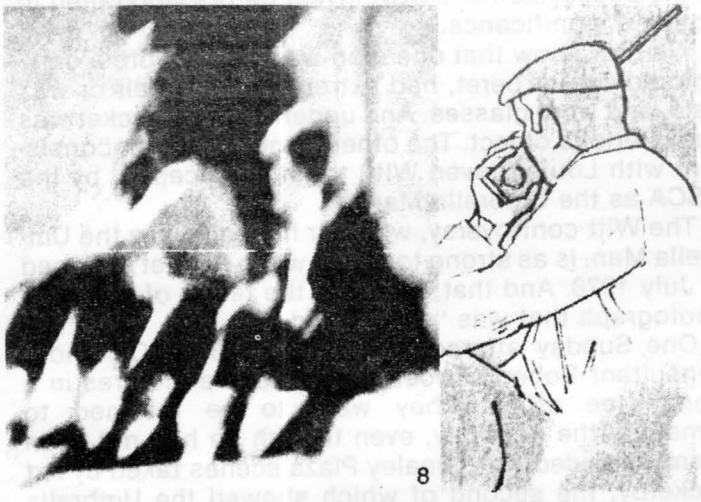
Yet despite denials, the process did permanent damage to the Dillard negative. Several areas, including at least one window on an upper floor at the western end, were smudged. When the HSCA returned the News' material, Chief Counsel G. Robert Blakey enclosed a note apologizing for the damage.

Why did the HSCA ignore the Grant photo? It seems to offer a significantly clearer view of the Umbrella Man, and it's definitely a superb view of Black Man. Or is the question self-answering?

The Umbrella Man theory, the appearance of Louie Steven Witt, and the HSCA's acceptance of him are all subjects needing separate evaluation. Almost buried under lots of speculation is the remarkable photographic work done by Jack White on Black Man.

At the "Critics Meeting" in September 1977, researcher Mary Ferrell told the HSCA about Jack's work. The following month he was invited to Washington where staffers were shown all his photographic evidence about many areas of the assassination. After this showing, they asked that he show the full Committee members only his work on the backyard photos. Had they paid more attention to Black Man, the course of the investigation may have been different.

Working from the original 35mm color slides shot by Jim Towner, Jack had made extreme blowups of both men. In Towner 2, about 25 seconds after the last shot, Black Man seems to be using a walkie-talkie or radiotelephone! His right hand is up to his mouth, and what may be an antenna is seen sticking above and behind his head.



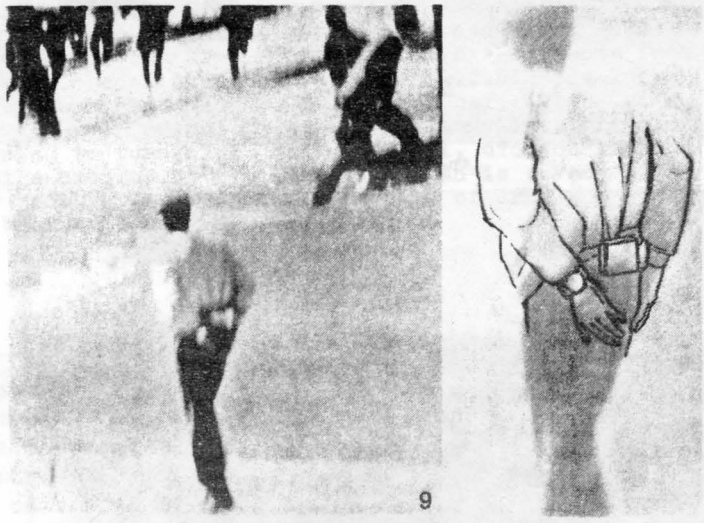
8

Even though Black Man and Umbrella Man sat down next to each other, no one can tell from the photos whether they were acquainted or even aware of the other's existence. During his public testimony Witt said he didn't remember talking with anyone; he admitted only to noticing someone nearby who kept repeating "They done shot them folks."

However, if Black Man was using a walkie-talkie, he probably wouldn't have used it in the presence of a stranger. So the men must have been connected *if* such a device was used. Witt testified he did not recall a walkie-talkie and felt that was something he would have noticed.

Some have speculated Black Man had a portable radio and switched it on for news of the shooting, but that is just not likely. Portable AM radios then, as now, did not use external antennas. FM radio was, for all practical purposes, virtually ignored, especially for news. Also, the earliest radio reports of the shooting were not broadcast until about 12:35, over four minutes after the relevant photos were taken. Black Man could have heard nothing about the shooting and would have continued listening until he did. The later photos indicate he did not.

But one of those pictures reveals something fascinating. Towner 3, taken less than a minute after the final shot, shows Black Man walking west on Elm while apparently sticking something in his back pocket. Already present is a nearly square metallic-appearing box possibly hanging from his belt. Was this the bulge under his jacket as seen in the Grant photo?



9

The box could be part of the walkie-talkie, but a more likely explanation is some sort of power supply.

At any rate, an organized conspiracy to kill President Kennedy would need radio communication. As Penn Jones pointed out many years ago, there was good evidence of a backup kill site at Cobb Stadium, not far up the published motorcade route. Organized conspirators would need an immediate report for further planning.

Both Towner photos were shown to HSCA staffers by Jack White, and Robert Cutler published parts of them in "Seventy-Six Seconds in Dealey Plaza," which he sent to many HSCA members. Yet the public and private record of the Committee fails to show any interest in computer enhancement of the Towner pictures.

As even further evidence of HSCA bungling, the record of Witt's testimony is flawed: he said he heard "three or more" shots fired in "rapid succession." When asked to simulate them by rapping on the table,

he did so and the record indicated three times (4HSCA445). Tapes of his testimony clearly reveal *four* taps.

Incidentally, the photo was discovered through the curiosity of researcher Warren Graham, who came across a picture he had never seen. He sent it to researcher Gary Shaw who passed it on to me for Jack White to copy and analyze. Warren's cropped version showed only Black Man at the right edge. Jack felt that a blowup would not be very successful, since the slide was a multi-generation copy.

By chance I noticed another version of the picture, cropped even more, in the Dallas Morning News' 20th anniversary assassination issue. After a few phone calls, the negative was located. While the News does not sell photos to the general public, the Grant photograph was made available for this limited use.

(Will Fritz, below, extreme left, was questioned by HSCA investigators, but their report has been withheld. Writer Henry Hurt was urged to request an interview with Fritz, but the outcome is unknown. Unconfirmed is Mary Ferrell's report of a mid-70's luncheon in which Fritz said, to a friend, that LBJ called him the day after the assassination and said "You've got your man, the investigation is over." Also unresolved is the fate of Fritz' notes of his Oswald interrogations. He told the Warren Commission he kept no notes, but was not asked why. The wife of one of Fritz' best friends recently told researchers that Fritz had secretly recorded his Oswald interrogations. Only one other DPD employee even knew about the recording equipment, which was in a small room or closet adjoining Fritz' office. The tapes are supposedly safe. She added that Fritz was afraid for the safety of his family and relatives, and that Oswald had admitted being a member of the Intelligence community. There is no known reason to doubt the credibility of the woman or her husband. So why did Fritz conceal the tapes? Reasons may include the fact they were illegal and would have jeopardized previous and future investigations and convictions. And besides, they added nothing the government didn't already know.

Dallas super-sleuth Will Fritz dies at 88

DTH 4-20-84

By GARY SHULTZ
Staff Writer

Retired Dallas police Capt. Will Fritz, a renowned detective who introduced scientific investigative techniques to the Police Department and interrogated Lee Harvey Oswald after the Kennedy assassination, died of heart disease and cancer Thursday at his home. He was 88.

A reserved, gentle man known for his razor-sharp memory, Fritz was a self-educated investigator who was highly regarded among his law enforcement peers during a career that stretched from 1921 until his retirement in 1970. Funeral arrangements are pending at Restland Funeral Home.

Although famed for his handling of the investigation into the Kennedy assassination in 1963, Fritz is best remembered among Dallas police officials for organizing the department's Homicide and Robbery Bureau, later named Crimes Against Persons, in 1934. Fritz served as the bureau's chief until 1970, when he decided to retire rather than accept the post of night watch commander.

During Fritz's tenure, the department had one of the nation's best records for solving murder cases.

"He was a perfectionist," said Capt. Gus Rose, who worked under Fritz from 1960 to 1969 and now heads the Criminal Investigation Divison of the Dallas County Sheriff's Department. "He did not go in for quantity. He wanted quality. He was absolutely the best I've ever seen at dealing with people, whether they were criminals or victims or just people you meet on the street."

"Anybody who wanted to be a real police officer wanted to work for him," said Dallas County Sheriff Don Byrd, who worked under Fritz as a Dallas police officer. "And we wanted to learn from him."

Byrd said Fritz had an unusual ability to see beyond what had happened at the scene of a crime and grasp why it had occurred.

"He was on a different frequency than most people," Byrd said. "He'd tell you to go out and do something regarding a major case. When you walked out, you might wonder why he told you to do that; you'd think it didn't make sense. But if you went out and did what he said, it worked real well."

Fritz interrogated Oswald a few hours after President John F. Kennedy was assassinated in downtown Dallas on Nov. 22, 1963. Fritz later said he was convinced he had all the proof he needed to convict Oswald. But nightclub owner Jack Ruby killed Oswald two days later.

Fritz, who investigated hundreds of murders during his career, said he never got a confession from Oswald.

"Oswald impressed me as well-trained," Fritz later said, "and I don't know what else you'd call it. He showed evidence that he was well-trained and determined. It was built into his thinking. He was very cool and deliberate."

Other suspects were less adept at fending off Fritz's questions.

After a Dallas housewife was raped and murdered under a bridge in the 1950s, Fritz ordered Tommy Lee Walker, a 19-year-old service station attendant, picked up on the skimpiest grounds — that Walker wore tight jeans and talked about sex with violence.

In Fritz's office, the detective was intrigued by the fact that the suspect appeared tense but never asked why he was arrested. Speaking in low, calm tones, Fritz set the stage by asking Walker a few questions about his name, his age and where he lived.

Then he said: "You killed that woman under the bridge and raped her. Now get it off your chest."

Walker confessed and was electrocuted at Huntsville on May 13, 1956.

Fritz was more interested in "finding the right man" than in padding his conviction statistics, said Assistant U.S. Attorney Bill Alexander, who was chief prosecutor in the Dallas County district attorney's office for many years. "He was one of the few intellectually honest police officers I ever met," Alexander said.

Fritz was offered the job as Dallas police chief in the mid-1960s but turned it down. "I told the gentlemen on the City Council that I knew too many ex-police chiefs, and I didn't want the job," he said later.

Fritz was born June 15, 1895, near Dublin, Texas, about 110 miles southwest of Dallas, and soon moved with his parents to eastern New Mexico, where his father operated a ranch near Roswell.

As a young man, he traveled West Texas and New Mexico on horseback, making a living as a horse and mule trader. He later credited that experience with giving him an investigative instinct.

While in his early 20s, Fritz returned to the Dublin area, where he attended Tarleton State College at Stephenville.

He came to Dallas in 1921 and joined the police force as a patrol officer. He worked in the "Little Mexico" area of West Dallas for only two years before becoming a detective.

As his reputation grew, Fritz became an unofficial adviser to other law enforcement agencies. Among the cases he was involved in was the pursuit of bank robbers Bonnie Parker, Clyde Barrow and Raymond Hamilton.

Fritz was one of the first officers in the Southwest to bring scientific methods to criminal investigation, using a strand of thread to send Army deserter Dewey Hunt to the electric chair for the robbery and murder of a streetcar motorman in the early 1930s.

Survivors include his wife, Faye Turner Fritz of Dallas; a daughter, Billye Honneycutt of Dallas; four grandchildren; and a great-grandson.

The Dallas Morning News Friday, March 23, 1984

Billie Sol links LBJ to mu

Sources also say grand jury told of plot

By David Hanners
Staff Writer of The News
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FRANKLIN, Texas — Convicted swindler Billie Sol Estes told a grand jury that Lyndon B. Johnson was one of four men who planned the 1961 murder of an agriculture official, sources close to the grand jury said Thursday.

The sources said Estes testified that the group feared the official would link Estes' illegal activities to the vice president.

Estes, who testified with immunity from prosecution before the Robertson County Grand Jury Tuesday, told grand jurors that Johnson felt pressure to silence Henry Harvey Marshall of Bryan, a regional USDA official in charge of the federal cotton allotment program, sources said.

Lady Bird Johnson, the president's widow, could not be reached for comment on Estes' testimony Thursday. "All we will say is that Mrs. Johnson does not answer scurrilous attacks and comments such as that," said Liz Carpenter, who served as Mrs. Johnson's press secretary when LBJ was president.

The sources, who asked to remain anonymous because grand jury testimony is secret under state law, said Estes testified that he had attended at least three meetings with Johnson — two in Washington and one at the Driskill Hotel in Austin — during which they discussed the need to stop Marshall from disclosing Estes' fraudulent business dealings and his ties with Johnson.

Estes testified that he later balked at the idea of killing Marshall after Marshall had resisted attempts to have Marshall transferred from Bryan to USDA headquarters in Washington in order to silence him.

Sources said Estes' testimony implicated:

■ Johnson, who had just been elected vice-president. Estes and his family have repeatedly said that Estes was a political ally of LBJ, and that Estes made repeated campaign contributions to LBJ's campaigns. Johnson assumed the presidency on the death of John F. Kennedy, Nov. 22, 1963. He was elected in 1964 to a full term, but chose in 1968 not to seek re-election. He died at his ranch in Stonewall, Texas, on Jan. 22, 1973.

Billie Sol Estes

Lyndon B. Johnson

■ Clifton C. Carter, a close Johnson political aide and troubleshooter who later served as executive director and treasurer of the Democratic National Committee. Carter died of natural causes in Arlington (Va.) Hospital Sept. 21, 1971.

Henry Marshall

Malcolm Wallace

■ Malcolm Everette (Mac) Wallace, the president of the 1945 student body at the University of Texas at Austin and a onetime U.S. Agriculture Department economist. Wallace, who sources said Estes identified as Marshall's killer, previously had avoided a jail term on a 1952 murder conviction in Austin. Wallace died, sources said, in a Northeast Texas automobile accident in 1971.

Southwest Texas State Univ
sity president Robert Harde
who served as speechwriter
Congressional liaison for Presid
Johnson, called Estes "a pathol
cal liar who is promoting as usua
"It is just not Lyndon Johnso
Hardesty said. "He was a com
cated man, but he was not a bru
man."

Hardesty said he did not j
LBJ until 1965, but said he ne
heard anyone in the White Ho
mention Estes except as a pass
acquaintance.

"My impression is that Lyn
Johnson never sat down with Bi
Sol Estes," Hardesty said. "He di
know him that well."

George Christian, an Austin
litical consultant and former pr
secretary to LBJ, said, "I didn't j
Johnson until 1966. But I don't
lieve a word of it. To me, it's incr
ible."

Carter's daughter, Kathl

Sunday, March 25, 1984, DALLAS TIMES HERALD

Sources: Estes wouldn't testify on JFK assa

By WILLIAM P. BARRETT
and CHARLOTTE-ANNE LUCAS
Staff Writers

During Billie Sol Estes' testimony before a Robertson County grand jury last week, sources said, he avoided answering only two questions posed by the panel. One was whether he knew anything about four mysterious deaths in West Texas in the 1960s, and the other was whether Vice President Lyndon B. Johnson had anything to do with the assassination of President John F. Kennedy.

The sources said Estes never invoked the Fifth Amendment, which allows one to avoid self-incrimination, but he had written the standard phrase on a piece of paper and pulled it from his pocket when one of the two questions was posed to him.

"Are you going to make me use this?" Estes reportedly asked the grand jury, and Robertson County District Attorney John Paschall said it wouldn't be necessary, the sources said. Estes reportedly gave similar indications in answer to the other question.

The sources could not remember which question was asked first during the the 4½ hours of testimony last Tuesday.

Estes had appeared before the grand jury voluntarily to tell about the June 1961 slaying of Agriculture Department employee Henry Marshall. Paschall last week confirmed published reports that Estes claims Johnson ordered Marshall killed because the man knew too much about manipulation of cotton allotments. Paschall said Estes brought no evidence of his claims, other than his testimony.

This weekend, more details of Estes' secret testimony continued to leak from grand jury sources. According to sources, Estes also testified that:

✓ A substantial portion of his $21 million-a-year income from business deals in the early 1960s went to Johnson for use in a slush fund "for the people Johnson could control."

✓ Marshall's murder was supposed to appear to be a suicide by carbon monoxide poisoning, but the killer panicked and used the federal employee's own rifle to shoot the unconscious official five times at point-blank range.

✓ Estes at one point declined an offer of immunity from prosecution by Attorney General Robert F. Kennedy — an arch foe of Johnson's — in exchange for testimony about Johnson's connections with illegal business deals in Texas.

But Estes declined to answer two questions, one of which — whether LBJ was connected with Kennedy's death — apparently was asked unexpectedly by a grand juror.

When another person in the grand jury room asked about the four mysterious West Texas deaths, Estes reportedly said: "I'm not going to say anything that would send me back to the penitentiary."

Estes, who was granted immunity from prosecution in the slaying of Henry Marshall, has said he testified about the case to fulfill a 1979 promise to U. S. Marshal Clint Peoples that, after being paroled, he would help Peoples solve the case. Peoples was a Texas Ranger when he began investigating Marshall's murder in 1962.

Marshall's death came less than a year before Estes was indicted on fraud charges in connection with his buying and selling of $35 million worth of mostly non-existent fertilizer tanks. In 1965, he was sentenced to serve 15 years in prison after his conviction on those charges.

Paroled in 1971, Estes was returned to jail in 1979, after he was convicted in Dallas of conspiring to conceal millions of dollars in assets in order to avoid paying federal taxes.

Estes told the grand jury last week that Marshall, the federal official in Texas who oversaw the awarding of cotton-growing allotments, was killed because he could have linked Johnson associates and perhaps Johnson himself to Estes' illegal dealings in Texas, officials have confirmed.

Estes, interviewed at a friend's home last week, declined to comment on his testimony before the grand jury.

But several people who heard his testimony said he described a number of meetings in the early 1960s involving Johnson, Johnson aide Clifton C. Carter, Malcolm "Mac" Wallace and Estes. Estes testified that they feared Marshall would testify about manipulation of cotton allotments and lead congressional investigators to Johnson and other high-ranking officials.

Senate subcommittee records from 1962 show that Marshall was identified by Agriculture Secretary Orville Freeman as the "key" to unraveling Estes' cotton transactions.

Estes told the grand jury, sources said, that the last meeting involving himself, Johnson, Carter and Wallace occurred in January 1961 and that Johnson ordered: "Get rid of him (Marshall)."

It is not clear whether that meeting occurred before or after Johnson was sworn in as vice president, but it apparently was prior to the Jan. 20 inauguration, because Estes also testified: "If Henry Marshall hadn't been killed, Johnson wouldn't have become vice president and there probably wouldn't have been a Vietnam war," the sources said.

The sources also said Estes claimed that Robert Kennedy — eager to discredit Johnson — once offered Estes immunity from prosecution in exchange for testimony that could incriminate Johnson.

"I told him I'd see him in hell first," Estes reportedly told the jurors, an.

Later, Estes told the grand jurors Johnson was "the nearest thing to a dictator that I have ever known," according to those who were in the grand jury room.

Estes told the grand jurors that he learned of Marshall's death in a subsequent conversation with Wallace and Carter at Estes' Pecos home, and sources this weekend said he told them about Wallace's description of the slaying.

Wallace described how he lay in wait for Marshall at the federal employee's country ranch 30 m
from Bryan in preparation
faking Marshall's suicide de
using carbon monoxide from
man's truck, Estes told the jury

The sources said Estes quo
Wallace as saying there was
"awful scuffle" before Wall
subdued Marshall, put a pla
bag over his head and was in
process of gassing him when
heard the motor of an approa
ing vehicle.

Panicking, Wallace used M
shall's bolt-action rifle at po
blank range to shoot him
times, Estes testified that Mars
told him. The death was initi
ruled suicide, but has been rep
edly questioned in the past
decades. The suicide ruling
overruled by the Robertson Co
ty jury that heard Estes' testi
ny Tuesday.

U.S. Marshal Peoples, who
vestigated the case in 1962,
clined to discuss Estes' grand
testimony, but he said he eve
ally made inquiries about the
bon-monoxide deaths of four
er people connected with
Estes case.

Peoples said "these thi
cropped up around the same ti
and that he considered the de
to be "a suspicious loss of life."

One of those cases, Peoples
was the death of George Krut
an El Paso accountant who
found asphyxiated in his ca
April 4, 1962, six days after E
was arrested on fraud charges.

Krutilek, 49, was an empl
of Estes' and reportedly had
questioned by the FBI about
case four days earlier. A El

rder

Carter Livingston, said, "It's absurd. He's (Carter) been dead 14 years. It's very easy to say something about someone who is dead."

U.S. Dist. Judge Barefoot Sanders, who was U.S. Attorney in Dallas from 1961 to 1965, said the FBI investigated the Marshall case "to some extent," but said the agency found nothing that tied Johnson, Estes, Carter and Wallace to Marshall's death.

"I would not believe Billie Sol Estes then, and I would not believe him now," Sanders said Thursday.

Former U.S. Sen. Ralph Yarborough, now an Austin attorney, said, "I couldn't imagine the president — or when he was vice president — having a minor functionary killed. Even if you believe he was capable of it — and I don't think he was — common sense would keep him from it."

Relatives of Wallace could not be located.

Robertson County Dist. Atty. John Paschall would not reveal the identities of those Estes named in his grand jury testimony. "They're all dead," he said. "That's part of the problem in this case. It's not like something that happened two years ago. I'm not saying it couldn't be substantiated, but it would take a lot of legwork and a lot of time.

"And I've got a lot of living criminals to worry about," said Paschall.

A relative found Marshall's body June 3, 1961, on his Robertson County ranch. He had been shot five times, and his bolt-action .22-caliber rifle was found nearby. His death originally was ruled a suicide by a local justice of the peace, but the ruling came into question a year later when news broke of Marshall's investigation of Estes' cotton allotments.

U.S. Marshal Clint Peoples, who as a Texas Ranger captain began investigating the murder in 1962, said Thursday that Marshall "was blowing the whistle" on Estes' scheme to defraud the government's cotton allotment program.

Peoples, who convinced Estes to testify before the grand jury Tuesday, refused to name the people that Estes implicated in the conspiracy.

"I asked him (Estes) why he didn't testify at the first grand jury in 1962 and he said if he had, he would have been a dead man," said Paschall, the district attorney.

Paschall said records from the 1962 grand jury revealed that Marshall approved 138 cotton allotments for Estes from Jan. 17 to June 3, 1961.

But, Peoples said, "The facts are that Henry Marshall was told to approve them (Estes' cotton allotments)."

Before 1961, Estes, a Pecos millionaire who had made much of his money through federally subsidized farm programs, had become a key Democratic power broker and fundraiser for the campaigns of Johnson, Yarborough and then-Gov. John Connally.

Less than a year later, Estes' multi-million-dollar empire — built on non-existent grain storage elevators and cotton allotments he obtained fraudulently — collapsed.

In March 1962, Estes was indicted for fraud. Two months later, U.S. Agriculture Secretary Orville Freeman said Marshall had been the only man who could provide some of the answers to questions about Estes' involvement in the cotton allotment program.

Days later, a state district judge in Bryan authorized the exhumation of Marshall's body. An autopsy by Harris County Medical Examiner Joseph Jachimczyk revealed that Marshall suffered not only five gunshot wounds to his lower left abdomen, but also suffered carbon monoxide poisoning and a head injury. The bruise to Marshall's head occurred before his death, Jachimczyk said, and would have been "incapacitating."

Sybil Marshall, the widow of the slain USDA official, said Thursday "I'm kind of shocked. I don't know what to think."

Mrs. Marshall said her family always believed her husband had been murdered. "I can't believe he would do that to himself (commit suicide)," she said. "He was a good man."

Estes, despite two federal trials and subsequent prison terms in the following two decades, steadfastly had refused to discuss his relationship with Lyndon Johnson or the Marshall murder. Called to testify before a 1962 grand jury investigating Marshall's death, Estes repeatedly invoked his constitutional right against self-incrimination, according to press reports at the time.

"Daddy's silence ... allowed Lyndon Johnson to become president," Estes' daughter, Pam Estes, wrote in a book about her father entitled *Billie Sol*, which was released last week.

"During that time, Daddy had been supplying Lyndon Johnson with large infusions of cash, not only for his own political needs, but for people Johnson, himself, chose to help.

"Sometimes, Johnson would send people like Ralph Yarborough directly to Daddy for fundraising help. On other occasions, Johnson would get bundles of cash from Daddy and distribute it himself. Since those transactions were all cash, there is no reliable way of knowing how much money went to Johnson or what became of it.

"Daddy has steadfastly refused to talk about that part of his life with anyone, even me," she wrote.

Wallace, who sources said Estes named as the triggerman in Marshall's murder, at one time had dated Johnson's sister, Josefa, according to a friend of the Johnson family who asked not to be identified. Johnson's sister died in 1961.

However, Horace Busby, a close friend of Johnson's, said Johnson met Wallace once when Carter brought Wallace to Johnson's home in Washington.

Wallace was convicted in 1952 of killing John Douglas Kinser of Austin. Testimony in that case revealed that Kinser had been having an affair with Wallace's wife. Wallace was sentenced to a five-year prison term, which was suspended.

Wallace was represented in his 1952 trial by Austin criminal defense lawyer John Cofer, now deceased. Cofer, a longtime LBJ confidant, had represented Johnson in the Jim Wells County "Box 13" voter fraud case in 1948. Because of the slim edge of 87 votes he received from Box 13, Johnson won a runoff election against Coke Stevenson for the U.S. Senate.

Cofer defended Estes in his 1962 fraud trial. Ms. Estes said in her book that Cofer was hired "at the insistence of Lyndon Johnson."

Cofer rested Estes' case without calling any defense witnesses. "I feel that that was done to make sure there was no opportunity of implicating Lyndon Johnson during any testimony or cross examination," Ms. Estes wrote.

"It should be clear by now that it was Lyndon Johnson who paved the way for the preferential treatment Daddy received from the Agriculture Department," she wrote.

Estes, who was in Dallas Thursday to autograph copies of his daughter's book, refused to comment on his appearance before the grand jury Tuesday.

Peoples said Thursday that Estes finally had agreed to testify after Peoples arranged for Estes' immunity from prosecution. The marshal said Estes wanted to clear his conscience about Marshall's death, and "he should be commended for it."

Peoples, who escorted Estes to LaTuna Federal Correctional Institute in El Paso in 1979 after Estes' second fraud conviction, said he had told Estes: "Billie Sol, you ought to straighten this thing out. I'm not saying you did it, but I'm saying you know who did."

Peoples said Estes told him then, "You're looking in the wrong direction. You ought to be looking at the people with the most to lose."

Peoples said Estes drove to Waco, where Peoples lives, Monday night and met with him to discuss his testimony and immunity. "This is the first time that Billie Sol has ever testified ... against anybody," Peoples said.

Although he repeatedly declined to discuss the grand jury investigation, Peoples said Estes had "brought out evidence that I had in my files that he couldn't have known — except one way."

The USDA, in an attempt to reduce the surplus of cotton in the early 1960's, strictly controlled the acreage to be planted in the crop, embargoing cotton production on new land.

Estes devised a scheme under which cotton allotments, or federal permits to grow the crop, were transferred from other farmers to his Pecos farm. "Meanwhile, the Agriculture Department was in a dither," Ms. Estes wrote in her book. "They didn't know whether Daddy was legally leasing the land with cotton allotments attached or illegally purchasing allotments.

"In the summer of 1961, they decided to conduct an investigation to try to satisfy themselves as to its legality.... By the fall of 1961, Daddy had gotten wind of the investigation. His first reaction was to go to Washington to knock some heads together. This is something Daddy knew how to do very well," she wrote.

Staff writers Karel Holloway, Mary Catherine Bounds, Bruce N. Tomaso and Sam Kinch Jr. contributed to this report.

ination

County pathologist ruled that Krutilek did not die of carbon monoxide poisoning, although a hose led from the exhaust pipe of his auto into the window.

The second case that aroused Peoples' suspicion was the death of Harold Orr, president of Superior Manufactoring Co. of Amarillo, who had pleaded guilty to mail fraud and was sentenced to 10 years in prison. Superior was the company that manufactured and sold fertilizer tanks involved in Estes' schemes.

On Feb. 28, 1964, just days before he was to begin serving his term, Orr was found dead in his garage, and a local justice of the peace ruled his death was the result of accidental carbon monoxide poisoning.

Peoples said he could not immediately recall the names in the other two cases that aroused his suspicion.

However, he said, he suspected the deaths were related because all four victims were connected with Estes and because all the deaths appeared to be murders disguised as suicides by carbon monoxide gas.

"That made me suspicious at the time," Peoples said.

"I made some inquiries, but didn't make an investigation" because the incidents occured outside his jurisdiction, he said.

Although the key figures named in Estes' testimony about Marshall's slaying are now dead, Peoples said Estes was not aware until a month ago that Wallace had died in an automobile accident in Pittsburg, Tex., in 1971.

Argosy Nov. 1962

Texas Department of Public Safety

Sketch prepared by police from local description of packed stranger who asked for Marshall shortly before his death.

Malcolm Wallace

(from a 3-84 newspaper)

ESTES IMPLIES LBJ LINK TO ASSASSINATION

by Gary Mack

He was everybody's first suspect, and now LBJ may soon be linked to the Kennedy assassination.

After two months of so-called "leaked" information from confidential grand jury proceedings, convicted conman Billie Sol Estes granted only one interview. He chose KTVT, the leading independent TV station in Dallas-Fort Worth. The half-hour interview, shown May 26, was hosted by news director John Whitson.

BE: ...What happened was when the Kennedy brothers wanted to get rid of Lyndon they looked around and thought that Lyndon might be vulnerable and wanted to get rid of him...Looking back, at the thing, I don't guess it would have been any honor to went to the penitentiary with the vice president of the United States. I don't know exactly what could have happened at the time, but I know if I'd talked I would've been a dead man, so I had no choice...

BE: ...The Kennedy brothers offered me immunity if I would testify against Lyndon Baines Johnson and if I had testified, well he certainly wouldn't have been President. Goldwater would have eventually been elected president...

BE: Yes I could've got immunity and kept my empire if you could have lived after you did it...I had no choice, it was just a matter of life or death at the time, you would surely die. I would have, I knew that...I had no choice.

JW: Who would have killed you?

BE: You know capital murder, I don't like to get into a capital murder thing...I have never discussed a capital murder case.

JW: You wouldn't say who you think?

BE: No I wouldn't say, you know, cause capital murder and your conspiracy, but I think the American people knows exactly what has happened now, you know.

JW: Would he (Marshall) have testified against Lyndon Johnson had he lived, would he have implicated him?

BE: I would say that his knowledge of the entire cotton allotment, I think he would have testified not only against Lyndon Johnson but I think he would have testified against everybody cause he was the man that knew all about it...if he had lived it would have exposed everything that's been exposed today.

BE: I think they've got the tip of the whale's tail and lots is coming out of the woodwork and it won't be what I say so much...and my daughter's second book will hit the market before too long and it'll be well documented and it'll tie

JW: Go even further?

BE: Oh yeah (the first book was how) a daughter saw her father and I'm turning over to her my tapes, my diaries and a lot of information...it'll be a very extensive book.

Is Billie Sol just making this stuff up? I doubt it—he doesn't need the hassle. Since his appearance before the grand jury and the subsequent revelations, both Dallas papers have had a field day digging into the story. Many intriguing connections and implications have surfaced, and so have official denials of anything suspicious.

The stories include a massive slush fund, more than $20 million a year, going from Estes to LBJ. Stories that Wallace, who had been a convicted killer, had dated LBJ's sister. Revelation that one of the 1962 grand jury members was the son-in-law of the Sheriff who told the Justice of the Peace that Marshall had been a suicide. The promise from Wallace' family that they could prove he was out of the state and could not have killed Marshall, a promise that they later retracted.

Other developments include a statement from the FBI agent who investigated the Marshall death. Tommy G. McWilliams, Jr. said Estes' claim was "a bunch of malarky." What he didn't admit was that the report was not available to either the 1962 grand jury or the new one. Another missing file is nearly 200 pages long—the 1962 grand jury fought hard for the Department of Agriculture report and the U.S. attorney who helped block its release was Barefoot Sanders. Sanders, longtime friend of LBJ, the man who wanted Oswald's body cremated, and now a federal judge, severely criticized Clint Peoples for his handling of Estes. But the head of the U.S. Marshal Service said there had been no violation of policies.

New questions have arisen about the deaths of four other Estes associates from 1962 to 1964—all appeared to have committed suicide by carbon monoxide poisoning. One death is being reinvestigated, but another was stopped almost immediately after being started.

Mac Wallace supposedly told an arresting officer in the early 1950s that he worked for Johnson.

When reporters went to the LBJ Library near Austin they found papers indicating LBJ tried to have certain conversations with Estes recorded, but attempts were unsuccessful. They also found letters written by Lady Bird Johnson to Estes, indicating at least a minor connection (over the years she has distanced herself from Estes). Still unsubstantiated is the story that Lady Bird is a second cousin to Billie Sol.

Perhaps most intriguing are statements from former intelligence officers that records of a background check of Wallace by the Office of Naval Intelligence are missing, even though he held management positions with defense contractors from 1954 to 1969!

And the most sinister development is word that the original grand jury was told to stop its work by the judge overseeing the investigation! He offered no explanation and apparently died shortly *after* Estes' testimony leaked to the public.

Kennedy researchers should be familiar with Cliff Carter—he was in the motorcade and was the person who laundered John Connally's clothes, making them useless as evidence.

Another interesting connection is found in CE1464 (22H883). It's an FBI report by William R. Jenkins, the brother of Walter Jenkins, once LBJ's top aide and a long-time friend. The report is of a November 29, 1963 interview with Ruel W. Alexander, "a principal defendant in the Billie Sol Estes case and presently under conviction in the same case." Alexander had considered buying Jack Ruby's Carousel Club in 1961 and had even met with Ruby on several occasions. He had a private investigator check out Ruby and when told Ruby was a "queer," Alexander backed out.

And then there's the story that a Dallas night club owner reported to the FBI that Charles Harrelson was the man who killed the Agriculture Department official for Billie Sol Estes. Supposedly, this happened in 1979, long before Harrelson surfaced in the Judge Wood kill-

ing. Harrelson may very well be the Tall Tramp paraded through Dealey Plaza nearly an hour after the assassination.

The water's getting more murky every day.

FD-302 (Rev. 3-3-59) FEDERAL BUREAU OF INVESTIGATION

1 Commission Exhibit No. 1464 Date November 29, 1963

Mr. RUEL W. ALEXANDER, 3701 Torre Street, Amarillo, Texas, a principal defendant in the BILLY SOL ESTES case and presently under conviction in the same case, contacted Special Agent WILLIAM R. JENKINS, today, and advised that in October or November of 1961, he frequented the Carousel Club in Dallas, Texas and through frequent visits became intimately associated with one of the waitresses or employees of the club by the name of JEAN SIMS who at that time resided in Grand Prairie, Texas. He advised that during this period he met JACK RUBY at various times and just around the club there, did not talk to him. He advised that JEAN SIMS talked to ALEXANDER about buying part of the Carousel Club and stated that he went as far as to have a private investigator check on JACK RUBY. He advised that this investigator, whose name he could not remember, called him back and said that RUBY had a police record and was a "queer".

He advised that after this, he had no interest in the business deal about buying a part of the Carousel Club and had not seen or heard from JEAN SIMS or JACK RUBY since that time.

ALEXANDER advised that he was furnishing this information upon the suggestion of his attorney GEORGE McCARTHY of Amarillo, Texas, since he was afraid if the newspaper people secured the information, there would be publicity indicating connection between the BILLY SOL ESTES case and this matter.

on 11/29/63 at Amarillo, Texas File # DL 44-1639

by Special Agent WILLIAM R. JENKINS/jn Date dictated 11/29/63

414

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Watch for these and more than 30 other articles and features, selected and condensed from the best of current reading.

(This ad appeared in the first 1½ million copies of the May issue. Editor in chief Ed Thompson was given the opportunity to resign and his replacement, Ken Gilmore, put the JFK excerpts and book on hold as his very first official act. Within weeks he cancelled the entire 2½ year old project. Gilmore is a close personal friend of Gerald Ford, a key member of the Warren Commission. Gilmore was Ford's ghost writer for the post-Watergate book "A Time To Heal," which was copublished by Reader's Digest. The fate of Henry's book is unresolved).

1984 FORT WORTH STAR-TELEGRAM ■ SUNDAY, APRIL 8, 1984

Former Sen. Frank Church dies

By MARJORIE HUNTER
New York Times News Service

WASHINGTON — Former Sen. Frank Church of Idaho died Saturday at his home in Bethesda, Md. He was 59 and had been undergoing chemotherapy for cancer of the pancreas.

Church, at one time known as the "boy orator" of the U.S. Senate, had two major ambitions. He wanted to be chairman of the Senate Foreign Relations Committee and he wanted to be president of the United States.

In spring 1976, he waged a three-month campaign for the Democratic presidential nomination, making a surprisingly strong initial showing by winning primaries in Idaho, Nebraska, Oregon and Montana.

He eventually withdrew, however, and endorsed former Gov. Jimmy Carter of Georgia, who went on to become president.

But he achieved his other goal, becoming chairman of the Senate Foreign Relations Committee in 1979. He lost his Senate seat to Steven D. Symms, a Republican, in the landslide election of Ronald Reagan in 1980.

In his 24 years in the Senate, starting in 1957, when he was 32, Church became a leading, often eloquent voice of liberalism, strongly supporting civil rights protection, expanded benefits for the elderly, other social service programs and equal rights for women. He was a leading conservationist and a strong supporter of statehood for Alaska and Hawaii.

Associated Press

FRANK CHURCH
... dies at age 59

But it was primarily in foreign affairs that he made his mark, both before and after his chairmanship of the Foreign Relations Committee. He strongly supported the 1963 nuclear test ban treaty with the Soviet Union.

In 1966, concerned over increasing American involvement in Vietnam, he broke with the Johnson administration by urging a halt in bombing.

"No nation," he said that year, "not even our own, possesses an arsenal so large or a treasury so rich as to damp down the fires of smoldering revolution throughout the whole awakening world."

As the war in Southeast Asia continued to escalate, he stepped up his opposition.

In 1970, he co-sponsored a Senate measure to prohibit continued deployment of U.S. ground troops in Cambodia, touching off a six-month Senate debate. Two years later, he and Sen. Clifford P. Case, R-N.J., sought to end all American military activities in Southeast Asia.

But it was in trying to curb "criminal activity" by U.S. intelligence agencies that he made perhaps his most important contribution, praised by some, criticized by others.

The vehicle for examining activities of the Central Intelligence Agency and the Federal Bureau of Investigation was the Senate Select Committee on Intelligence, established in 1975 under Church's chairmanship.

In its final report, the committee made nearly 100 recommendations to curb such abuses as illegal wiretaps, break-ins, surveillance, harassment of political dissidents, assassination plots against foreign leaders and campaigns to smear civil rights activists.

Although the inquiry resulted in only a limited amount of legislation, it was clear as time passed that the disclosures of illegal activities by the agencies led to curbs of such abuses.

In 1960, Church gained national prominence when he delivered the keynote address at the Democratic National Convention. His speech was appraised by commentators as long on rhetorical flourishes but short on substance.

Years later, admitting he had been something less than a smashing success with the speech, he said: "All I can say in my defense is, I didn't know any better."

When he entered the race for the presidential nomination in spring 1976, he conceded that he was a "long shot" but that "it's never too late to try."

After his effort, he resumed his role as an important voice on the Senate Foreign Relations Committee. In summer 1977, he met in Cuba with Fidel Castro, which led to the Cuban leader agreeing to allow 84 U.S. citizens and their families to leave that country.

Church also served as floor leader for ratification of the Panama Canal treaties in 1978.

But in the final years of the Carter administration, he found himself at odds with Carter as his own time for re-election approached.

In 1979, he demanded immediate withdrawal of Soviet combat troops from Cuba before allowing a Senate vote on ratification of the second treaty with the Soviet Union on limitation of strategic arms.

After his defeat by Symms, Church practiced international law as a Washington-based partner in the New York law firm of Whitman & Ransom.

In addition to his wife, he is survived by two sons, Forrest and Chase Clark.

(Were it not for the Church Committee the world might not have learned how out of control the Intelligence community had become; in fact, the HSCA was a direct result of the moral indignation this country felt. Interestingly, both Walter Mondale and Gary Hart were part of the Church Committee.)

FWST (excerpt) 5-25-84

"Bad publicity was good for us, because evil was what we were built around," says Jimmy Hill, who managed the Cellar for 11 years.

"I utilized good management and administrative skills, but I let the patrons decide what the Cellar would be," says Kirkwood. "I thought cool. Dave Brubeck-type. *Take Five* jazz was what they'd want, but there was an immediate transition; nobody wanted jazz. They wanted pop and rock.

"We had strange rules," he says. "We'd give drinks to doctors, lawyers, politicians, stag girls, policemen, anybody we thought we might need if something broke out."

THE CELLAR also harbored reporters, many of them national or international figures who went to the Cellar out of duty; the Cellar was featured on network newscasts and in *Life* magazine.

Yet other reporters say The Cellar was more a home for wayward journalists. "It was the first press club in Fort Worth," says one ex-reporter. "I took my priest there."

Kirkwood's father, the late William C. "Pappy" Kirkwood, operated the 2222 Club on Jacksboro Highway — better known as the Four Deuces gambling house — from 1934 until 1972, gaining more of a reputation as a gambler than an entrepreneur.

Kirkwood's mother Faye, a famous rodeo cowgirl, still lives in the Four Deuces building. "The Cellar," she says, "looked like a Chinese dope-fiend place, but actually, it was just the opposite. Sometimes, Pat'd give away $500 worth of whiskey in a month."

Long-running legal battles — involving indecent exposure, police harrassment, racial discrimination and health code discrepancies — littered the Cellar era. "And we were completely wrapped up in the Kennedy assassination," Kirkwood says. "After midnight the night before, some reporters called me from the Press Club, which didn't have a license to sell drinks after midnight. Said they had about 17 members of the Secret Service and asked if they could bring them to my place (the Houston Street location). I said sure.

"About 3:30, these Secret Service men were sitting around giggling about how the firemen were guarding the president over at the Hotel Texas," Kirkwood recalls. "That night got the Cellar mentioned in *The Warren Report*. But we were involved in the Kennedy thing in other ways. Jack Ruby used to come over Friday nights and steal my girls. Lee Harvey Oswald washed glasses for two nights at the San Antonio Cellar."

"After the agents were there, we got a call from the White House asking us not to say anything about them drinking because their image had suffered enough as it was," recalls Hill, the manager. "We didn't say anything, but those guys were bombed. They were drinking pure Everclear (alcohol)."

BRIEFS....The Fort Worth Star-Telegram, long an enemy of LBJ, has virtually ignored the Estes story; so has the "establishment" media. True, Estes' credibility on a 1 to 10 scale is somewhere around -8, but he did provide the grand jury with information only the killer and his associates could know. So now we have to wonder if LBJ originated the plot to kill JFK or did he allow an existing plan to happen....Just a few miles from where Oswald's close friend George deMohrenshildt supposedly committed suicide, David Kennedy, RFK's third son, died of an accidental drug overdose. The two men who allegedly sold him cocaine and possibly Demerol and Mellaril have been arrested; one of them had even worked as a gardener on the Kennedy estate in Hyannisport. The April 25 death does not seem to have sinister implications, but who knows....Porno king Larry Flynt, who has long had an active interest in the JFK assassination, is serving 15 months in a mental hospital and prison for contempt of court charges; he yelled obscenities at the judge, later threatened to kill Reagan and two federal judges, then tried to turn his publishing empire over to atheist leader Madalyn Murray O'Hair so his brother Jimmy wouldn't get it - after several death threats, the atheists backed out. Flynt's "The Rebel" has been discontinued....David Wrone, and other researchers, noticed an odd statement in the recent Nixon interviews shown on CBS: Within an hour or so, Hoover told him a "commonist" did it; but wasn't that before Oswald was arrested or identified? According to the Official Airline Guide, Nixon's flight out of Dallas, American #82, left at 9:05 and arrived at New York's Idlewild (now JFK) at 12:56pm EST. Assuming the jet was on time, Nixon landed 24 minutes before the assassination and two hours before Oswald was marched into the DPD headquarters. So what did Nixon know and when did he know it? Doesn't that sound familiar! Somewhere in my piles (not files) I've got a tape of a network newsman referring to an interview with Nixon shortly after he landed and was told about the shooting. In the CBS interview, and others, Nixon says he learned of it in a taxi cab on his way home from the airport....Did you know the French Chef, Julia Child, worked for Army Intelligence in WW"? Well, did you know Ronald Reagan is a very distant cousin of JFK?

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